

### **REMARKS**

Claims 1-47 stand rejected. Claims 1, 20, 22, 24, 25 and 29 are amended, and claims 35 and 45 are canceled. Applicant submits that no new matter is added by the amendments. For example, the shape of the cells may be found in the drawings as well as at [0094] of the as-filed specification. Furthermore, support for the distinguishable feature being larger than the cells may be found for example in Fig. 2a.

Applicant has also added new claims 48 to 51. Accordingly applicant submits that claims 1-34, 36-44, and 46-51 will be pending after this amendment.

#### **Rejections Under 35 U.S.C. 112 and 35 U.S.C. 101:**

Claims 35 and 45 stand rejected under 35 U.S.C. 112 and 35 U.S.C. 101. Applicant has canceled claims 35 and 45. Accordingly, applicant submits that the rejections are now moot.

#### **Rejections Under 35 U.S.C. 102 and 103:**

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 7,238,878 (Gonsiorawski). Applicant has amended claim 1 to clarify that each cell is a long and narrow strip having a length, and a width that is substantially less than the length. Claim 1 has also been amended to clarify that the distinguishable feature is larger than the cells. Applicant submits that Gonsiorawski does not teach such structure.

As discussed in the Background section of the specification, the inventor has set out to provide a solar panel capable of providing usable energy while remaining pleasing to the eye or usable for advertising. The presently claimed solar panel discloses how that may be achieved. This is through a combination of the nature of the solar cells, which provide relatively little obscuration while still allowing an acceptable degree of solar energy conversion, and the nature of the distinguishable feature, which can be discerned from a distance. Since the prior art does not recognize the problem which the inventor has solved, these features have not been introduced into the prior art devices, nor would it have been obvious to introduce them.

In that regard, applicant respectfully submits that the office action is mistaken in treating the reflector of Gonsiorawski as a distinguishable feature, as claimed. First, a distinguishable feature as claimed is clearly defined in paragraph [0010] of the as-filed specification as being one or more of a design, a colour, a pattern, a decoration, a picture, a drawing, a sketch, an etching, a marking, a layout, a sketch, a brand, an advertisement, a notice, a sign, a name, a seal, an insignia, a portrait, a scene, a cartoon, a caricature, an icon, a signature, a photograph, an image, a logo, at least one letter, at least one number, at least one word, a calendar, a label, a trademark, a plan, a map, at least one marking or other visually distinguishable feature or a combination of two or more of these. Therefore, because Gonsiorawski's reflector does not fall within one of these categories, it is clear Gonsiorawski's reflector is not a distinguishable feature as claimed.

Second, unlike Gonsiorawski, applicant's solar panel includes a distinguishable feature that is larger than the cells. If the office action has interpreted the reflector facet as the distinguishable feature in Gonsiorawski, the images provided in Gonsiorawski make it clear that the facet is much smaller than the cells. Therefore, applicant submits that Gonsiorawski also does not teach a solar panel having a distinguishable feature that is larger than the cells, as claimed.

Furthermore, claim 1 has been amended to clarify that the cells are long and narrow strips having a length and a width that is substantially less than the length. The specification at [0094] states that long and narrow cells are particularly suitable for use as solar cells in the solar panels of the present invention and may be for example about 0.75-1.5 mm wide, about 50-150 mm long and about 0.03-0.1 mm thick. Due to their dimensions, the cells commonly do not obscure any entire aspect of a visually distinguishable feature viewed through an array of such cells, and consequently a visually distinguishable feature is commonly distinguishable through such an array. When viewed from a distance, the visually distinguishable feature commonly appears unobscured.

The solar cells disclosed in Gonsiorawski, on the other hand, can not be regarded as "strips" because they are not long and narrow. Gonsiorawski at (col. 10 lines 28-29) specifies:

“The cells were made from square polycrystalline silicon wafers cut out of EFG-grown bodies”. Images in Gonsiorawski (e.g. Fig. 7) illustrate cells with a length which is only about double the width – this is not “a long and narrow strip having a length and a width that is substantially less than the length”. Therefore, applicant submits that Gonsiorawski also does not teach solar cells that are long and narrow strips having a length and a width that is substantially less than the length, as claimed.

Accordingly, applicant submits that nothing in Gonsiorawski discloses or suggests the use of solar cells in the form of long thin strips, nor the feature that the visually distinguishable feature is larger than the cells and/or appears unobscured when the solar panel is viewed from a distance. Since these features are present in all claims as presently amended, either explicitly or by dependency, the Applicant considers that all claims are now novel and inventive over the cited art.

Independent claims 20, 22, 24, and 25 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gonsiorawski. Applicant has amended claims 20, 22, 24, and 25 to include similar features that were added to claim 1. Therefore, applicant submits that for the same reasons argued above with respect to claim 1, claims 20, 22, 24, and 25 are also patentable over the cited art.

Independent claim 29 stands rejected under 35 U.S.C. § 103 as being unpatentable over Gonsiorawski in view of U.S. Patent No. 6,156,698 (Beppu). Applicant has amended claim 29 to include similar features that were added to claim 1. Therefore, applicant submits that for the same reasons argued above with respect to claim 1, claim 29 is also patentable over the cited art.

### **Conclusion:**

Insofar as the Office Action’s rejections having been adequately addressed, applicant believes that the current application, including claims 1-34, 36-44, and 46-41, is in condition for allowance and such action is respectfully requested.

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**PATENT**

The Examiner is invited to call the applicant's undersigned representative to discuss this application should the Examiner determine such a discussion would facilitate the application's allowance.

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